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Abraham Lincoln's Contemporaries

Henry B. Whipple

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Lincoln Lore

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LINCOLN AND THE INDIANS

At four o'clock on the afternoon of August 21, 1862, Abraham Lincoln's Secretary of War, Edwin M. Stanton, received a telegram from the Governor of Minnesota: "The Sioux on our western border have risen, and are murdering men, women, and children." On the very same afternoon, the Assistant Secretary of War received this telegram from Minnesota's Secretary of State: "A most frightful insurrection of Indians has broken out along our whole frontier. Men, women, and children are indiscriminately murdered; evidently the result of a deep-laid plan, the attacks being simultaneous along our whole border." Five days later, Minnesota's Governor Alexander Ramsey wrote President Lincoln, informing him that "Half the population of the State are fugitives."

These dire reports informed Lincoln of what has come to be called the Sioux Uprising of 1862. This episode has been largely ignored by history books and Lincoln biographies because it took place during the Civil War and was naturally overshadowed by that much greater conflict. Involving over two thousand Sioux warriors and as many as eight hundred white deaths, it was more a war than an uprising and in fact constituted one of the largest Indian wars in United States history. It has even been described as the first phase of that long, sometimes hot, sometimes cold war that would include more famous Indian battles, Custer's Last Stand and the Wounded Knee Massacre. The Sioux Uprising of 1862 included all the usual paraphernalia of war: several pitched battles between Indians and white soldiers, the use of field artillery in battles, a promotion to General's rank for the victorious commander, and even sieges of fortresses and towns.

Although the particular

incident which touched off hostilities between Indians and whites was a senseless murder by four renegade Indians, probably drunk and certainly taking a dare to prove their bravery by killing a white person, the reason the other Indians decided to join the renegades rather than

to turn them over to white authorities were many and varied, and extended back over a long period of time. There were at least three principal reasons:

(1) Treaties made with the Sioux in 1851 and 1858 had seen the Indians cede about twenty-four million acres of land for prices varying from thirteen to thirty cents an acre in exchange for cash payments and annuities to be paid to them over a period of fifty years. These treaties had provisions to pay individual Indians' debts directly to white traders who supplied the Indians with goods, so that the Indians received much less cash than they expected.

(2) The Indians knew, partly because of anti-Republican political speeches, that the state was undermanned because many of the best young white warriors had left to fight the Confederacy. The Indians' fear of white power was as low as it had been for years.

(3) Most important, the 1862 annuity payment was late, and the Indians were hungry. The treaties stipulated that the Indians be paid in gold "so soon as the prairie grass was high enough for pasture," usually about the end of June. In 1862, the appropriation was delayed in Congress. It was also delayed a month by the Treasury Department, which because of the wartime scarcity of gold, debated whether to renege on the promise to pay in gold and pay in Civil War greenbacks instead. It was finally decided to send the gold, which arrived in St. Paul, Minnesota on August 16, a month and a half late and one day after the In-



IDENTIFICATION OF INDIAN MURDERERS IN MINNESOTA BY A. M. ...

From the Lincoln National Life Foundation

This picture was on the cover of *Harper's Weekly* on December 20, 1862. It was accompanied by a news story entitled "The Indian Murderers in Minnesota." Though Minnesotans complained that Easterners were sentimental about Indians, they had nothing to complain about in that regard from this New York publication. The artist who drew the sketch described the Indian prisoners he had seen: "They are the most hideous wretches that I have ever seen. I have been in the prisons of Singapore where the Malay pirates are confined—the Dyaks who are the most ferocious and blood-thirsty of their kind—but they are mild and humane in appearance compared to these Sioux warriors." The sketch shows a boy "who had escaped after seeing the murder and outrage of his mother and sisters" accuse a defiant Indian of the crimes with the aid of a Sioux interpreter friendly to the whites. Sioux who were friendly to the whites were scorned as "cut hairs" by their tribal brethren. Note that the Indian with the boy does have shorter hair than the defiant prisoners.

dians went on the warpath. Traders had refused to extend the Indians credit pending the arrival of the annuity payments, telling them that they could eat grass if they were hungry. Among the first whites killed were the men who ran the agency stores, and the man who told the Indians to graze was found dead with grass stuffed in his mouth.

After several murders of civilian farmers, soldiers fought a series of battles with the Indians, and the uprising was quelled by October of 1862. The hostile tribes surrendered, and the federal and state authorities began dealing with the problem of punishment.

A five-man military commission was appointed by the commander in the field, H. H. Sibley, an appointee of the Minnesota Governor, who also held a federal army commission. The work of the five-man commission also had the sanction of the federally appointed commander of the Northwest Indian district, General John Pope. Three hundred ninety-two Indians were selected by the local military authorities (out of some two thousand who surrendered) to stand trial before the military commission. The commission met from September 28 to November 5—over a month—but tried the bulk of the cases, three hundred of them, in just ten days. According to one witness at the trials, a Reverend Riggs, as many as forty cases were tried in one day.

The first man tried was a mulatto named Godfrey, who was found guilty of participating in the uprising and sentenced to death by hanging. However, in exchange for commutation of his death sentence to a ten-years' prison term, he turned state's evidence and fingered some of the rest of the Indians who were found guilty. Of the three hundred ninety-two tried, about three hundred were sentenced to death, and sixteen to prison terms. Most of the guilty, however, simply confessed to this charge: "Participation in the murders, outrages and robberies committed by the Sioux tribe. . . . In this, that the said [Indian's name] did join with the participants in the murders and outrages committed by the Sioux tribe of Indians on the Minnesota frontier . . . particularly in the battles at the Fort, New Ulm, Birch Coolie, and Wood Lake."

The Fort, New Ulm, Birch Coolie, and Wood Lake were pitched battles between Minnesota militia soldiers and Indian warriors. Some of the battles even included former Union soldiers taken prisoner in the Civil War and paroled by the Confederates; their presence was of questionable legality in light of the parole agreements made with the Confederate States and certainly lent the Minnesota outbreak even more of an aura of official warfare. Nevertheless, note the ambiguity of the court's charge. The Indians pleaded guilty to the charge of participation in (among other things) "Murder," but the particular instance was for the most part a pitched battle and not some isolated bushwhacking of a helpless Minnesota farmer. Probably the reason the court could process thirty trials a day was the readiness of the Indians to confess their crimes, and probably that readiness to confess stemmed from a belief that they were confessing to engaging in warfare (to be treated, then, as prisoners of war) and not confessing to murder (to be hanged). Nonetheless, about three hundred were sentenced to hang, and General Pope sent Lincoln a list of the names of the condemned men.

The reason Pope sent the telegram was obvious: neither he nor General Sibley was certain he had the legal authority to hang three hundred Indians. Sibley informed his superior on September 28 that he had seized sixteen Indians and appointed a military commission to try them: "If found guilty they will be immediately executed, although I am somewhat in doubt whether my authority extends quite so far." On the same day, he expressed similar doubts to another Minnesota commander, saying the Indians would be executed if found guilty, "although perhaps it will be a stretch of my authority. If so, necessity must be my justification." On October 7, he informed Pope that twenty had been sentenced to hang. "I have not yet," he explained, "examined the proceedings of the military commission, but although they may not be exactly in form in all the details I shall probably approve them, and hang the villains . . ." In this remarkable letter Sibley expressed doubts about the propriety of the commission's proceedings on the one hand, and his determination to hang the Indians on the

other. His mind was perhaps made up even *before* he read the court transcripts, and legality obviously was not his primary concern. He had told Pope on September 28 the purpose of the military trial: "An example is . . . imperatively necessary, and I trust you will approve the act, should it happen that some real criminals have been seized and promptly disposed of."

General Pope did endorse the work of the military commission that tried the Indians, but the legality of the proceedings rested perhaps more lightly upon his conscience. Writing to his superior General Henry W. Halleck on October 10, 1862, Pope said of Sibley's captured Indians, "It will be necessary to execute many of them The example of hanging many of the perpetrators of the late outrages is necessary and will have a crushing effect." Yet three days later he had to write Halleck again to ask what Sibley had asked him: "Do I need further authority to execute Indians condemned by military commission?" It is doubtful whether in Pope's case the military commission was seen as anything other than an extension of the army's military effort to crush the Sioux uprising. While the war still raged in mid-September, Pope wrote Sibley to counsel him against truce:

I think it best to make no arrangement of any kind with them until they are badly punished. . . . I think as we have the men and means now we had best put a final stop to Indian troubles by exterminating or ruining all the Indians engaged in the late outbreak. . . . I do not think it best to close the campaign until the very last moment, even should our men suffer much.

Even after the initial danger to Minnesota citizens had passed, Pope told Stanton: "I apprehend no further danger to the white settlements in Minnesota, but the Indians will be pursued, and, if possible, exterminated in Dakota and Nebraska." Stanton had bigger problems on his mind; he did not want Pope to "detain in your department any more troops than are absolutely necessary for protection from the Indians" because war raged elsewhere in the United States. Pope replied, in essence, that Stanton had no idea how bad things were.

Do not misunderstand the facts. It is not only the Sioux with whom we have to deal. All the Indians—Sioux, Chippewa, and Winnebagoes—are on the verge of outbreak along the whole frontier.

The Sioux war was finished (Sibley's trial began three days after this letter was written), and the Chippewas and Winnebagoes had not joined the Sioux and were not likely to now that the Sioux had faced military reverses. On the day the trials began, Pope told Sibley his view of Indians:

There will be no peace in this region by virtue of treaties and Indian faith. It is my purpose utterly to exterminate the Sioux if I have the power to do so and even if it requires a campaign lasting the whole of next year. . . . They are to be treated as maniacs or wild beasts, and by no means as people with whom treaties or compromises can be made.

Clearly, for Pope the trial was not an attempt to find justice but another form of warfare.

To Pope's telegram informing him of the proposed executions, President Lincoln sent this reply on November 10, 1862:

Your despatch giving the names of three hundred Indians condemned to death, is received. Please forward, as soon as possible, the full and complete record of these convictions. And if the record does not fully indicate the more guilty and influential, of the culprits, please have a careful statement made on these points and forwarded to me.

What is remarkable about Lincoln's reply is the evidence of the speed with which he apparently arrived at a decision not to hang all the Indians listed in Pope's telegram. Already Lincoln wanted to make distinctions among the condemned.

It is all the more remarkable because Lincoln probably had no official report on the nature of the trials (though he may have known something about them from personal interviews with people from Minnesota in Washington). Critics of the trials claimed they were hasty. In later years, Minnesotans would defend the trials. Charles E. Flandrau, who was a lawyer and a militia commander in

the Minnesota Sioux Uprising of 1862, wrote over twenty years after the event that the trial was a good one because of "the fact that the Hon. Isaac V. D. Heard, an experienced lawyer of St. Paul, who had been for many years the prosecuting attorney of Ramsey county [and] was thoroughly versed in criminal law, was on the staff of Col. Sibley, and was by him appointed recorder of the court."

What Lincoln thought of the procedural aspects of the military commission's work is not known precisely, but the nature of much of the information and advice he received in the case is known. To review this information and advice is to become even more startled at Lincoln's reply to Pope and at his rather lengthy deliberation on the case (Lincoln's decision was not announced until December).

The voices from Minnesota that Lincoln heard were almost uniformly in favor of immediate execution. General Pope advised the President "that the only distinction between the culprits is as to which of them murdered most people or violated most young girls. All of them are guilty of these things in more or less degree." Most of the advice Lincoln got from the field, in fact, was more a threat than advice. Pope said that if the Indians were not executed, there would be no preventing the wrath of the people of Minnesota from resulting in "the indiscriminate massacre of all the Indians—old men, women, and children." The Governor of Minnesota sent Lincoln the same advice-as-veiled-threat: "I hope the execution of every Sioux Indian condemned by the military court will be at once ordered. It would be wrong upon principle and policy to refuse this. Private revenge would on all this border take the place of official judgment on these Indians."

Lincoln was a politician, sensitive to public opinion. The people of St. Paul, for example, were among the voters on whom Lincoln's career depended. They sent the President a memorial, requesting that Lincoln should perform his duty to execute the Indians and expressing a hope (which was actually another threat) that the friends of those "foully murdered by those Indian devils, will not be compelled to take vengeance into their own hands, as they assuredly will if Government shall fail in its duty." Lincoln received an address also from the politically powerful men of the state. From one senator and both representatives Lincoln received this advice: "These Indians are called by some prisoners of war. There was no war about it. It was wholesale robbery, rape, murder. . . . let the Law be executed"; otherwise "the outraged people of Minnesota will dispose of those wretches without law."

It may be objected that these were the voices of passionate and emotional partisans, too close to the event to give impartial advice of the sort a President needs. Lincoln had a trusted personal advisor on the scene too. In July of 1862, before the Sioux uprising broke out, Lincoln sent one of his two private secretaries, John G. Nicolay, to Minnesota to help conclude a treaty with the Chippewa Indians. Since Nicolay was in Minnesota at the time of the Sioux outbreak, Lincoln was able to get first-hand information from a personal associate on the scene.

John Nicolay's daughter, Helen, who was also his biographer, made this evaluation of John Nicolay's views on Indians: "My father entertained no sentimental illusions about the North American Indians. He had grown up too near frontier times in Illinois to regard them as other than cruel and savage enemies whose moral code (granted they had one) was different from that of the whites." To judge from Nicolay's reports to the President, one would have to say that Helen knew her father well. In August, he wrote the President, telling him that "the massacre of innocent white settlers has been fearful." Nicolay's opinion in a letter to the Secretary of War was this: "As against the Sioux it must be a war of extermination." It seems unlikely that the advice of Lincoln's personal observer on the scene differed from that of Pope, Governor Ramsey, or the citizens of St. Paul.

Lincoln also got legal advice. The legal questions were extremely complex and confusing, as is evident from the doubts on the part of the very man who set up the military tribunal to sentence the Indians as to whether he had the authority to carry out the sentences. It is

not known on how many points Lincoln sought or received advice, but it is known that he got one very important piece of advice. On December 1, he wrote the Judge Advocate General, who was the highest legal authority in the U.S. Army, "whether if I should conclude to execute only a part of them, I must myself designate which, or could I leave the designation to some officer on the ground?" The Judge Advocate General informed the President that the executive pardoning power could not be delegated: Lincoln must himself choose. This piece of advice was important since it is hard to imagine what officer in the field could be found to make any discriminate choices among the Indians, all viewed simply as murderers and devils.

Lincoln also received information from what might be called the Indian experts in the field, in particular, from the Indian Commissioner, William P. Dole, and from the Episcopal Bishop of Minnesota, one Henry B. Whipple, who had always taken a special interest in the Indians of his diocese. Indian Commissioner Dole gave legal advice: to execute the Indians would be "an indiscriminate punishment of men who have laid down their arms and surrendered themselves as prisoners." He thought they should be treated as prisoners of war and not as murderers.

Bishop Whipple gave Lincoln moral advice based on three years' experience with Indian missions. Forty years old at the time of the Sioux uprising, Whipple had come to his Minnesota episcopate from upper New York state, but he had been educated in part at Oberlin Collegiate Institute in Ohio. In his autobiography, *Lights and Shadows of a Long Episcopate*, Whipple heaped special praise on Charles Grandison Finney, president of Oberlin, for his "kindness and consideration . . . and his loving interest in my career." Perhaps it was from Finney that Whipple derived his underlying faith that religion was a matter of the heart rather than the head. It was this faith that allowed Whipple to ignore the



From the Lincoln National Life Foundation

John Pope (1822-1892) was born in Kentucky and educated at West Point. After service in the Mexican War, he was stationed for a while in Minnesota. He would return to Minnesota after his defeat by Confederate forces in the Second Battle of Manassas; thus his command of the Department of the Northwest was a way of denying him field command. Most short biographical sketches of Pope skip over his role in the Sioux Uprising of 1862, saying only that he served "creditably." Though he was born in the same state that Lincoln was, the two did not share the same attitudes towards Indians.

advice of "good men . . . to have nothing to do with Indian Missions, on the ground that the red men were a degraded, perishing race." He always pitched his message in "simple language in order to reach the heart."

Whipple was elected bishop of Minnesota in 1859, and began a long career of work in behalf of the American Indian almost immediately. After his very first visit to Indian country in 1859, Whipple wrote a long letter to President James Buchanan, detailing the evils of the government's Indian policy and recommending reform. He told Buchanan that the principal "curse of the Indian country is the fire-water which flows throughout its borders." Six factors in the government's policy either encouraged or failed to discourage the liquor traffic on the reservations:

First, the policy of our Government has been to treat the red man as an equal. Treaties are then made. The annuities are paid in gross sums annually; from the Indian's lack of providence and the influence of traders, a few weeks later every trace of the payment is gone. Second, the reservations are scattered and have a widely extended border of ceded lands. As the Government has no control over the citizens of the state, traffic is carried on openly on the border. Third, the Indian agents have no police to enforce the laws of Congress, and cannot rely upon the officers elected by a border population to suppress a traffic in which friends are interested. Fourth, the army, being under



From the Lincoln National Life Foundation

Hole-in-the-Day was a Chippewa and not a Sioux (the two tribes were traditional enemies, in fact), but he was responsible for bringing Lincoln's private secretary John G. Nicolay to Minnesota in 1862. This photograph, taken in Minnesota at the time of the Sioux uprising, comes from an album once owned by John Nicolay and now in the possession of the Lincoln Library and Museum. Nicolay wrote an article on Hole-in-the-Day which appeared in *Harper's New Monthly Magazine* in 1863. It is reprinted in Theodore C. Blegen, ed., *Lincoln's Secretary Goes West: Two Reports by John G. Nicolay on Frontier Indian Troubles 1862* (La Crosse, Wis.: Sumac Press, 1965).

the direction of a separate department, has no definite authority to act for the protection of the Indians. Fifth, if arrests are made, the cases must be tried before some local state officer, and often the guilty escape. Sixth, as there is no distinction made by the Government between the chief of temperate habits and the one of intemperate, the tribe loses one of the most powerful influences for good,—that of pure official example.

The reforms that this indictment suggested were obvious. Whipple wanted to change the whole basis of United States relations with the Indians so that they would be not the equals but the "wards" of the government. He thought the government should "occupy a paternal character" and give the Indians "all supplies in kind as needed" rather than cash which could be spent on liquor. The federal commissioners should have authority to try violations of Indian laws, to prosecute and enforce laws against liquor traders, and to dismiss intemperate chiefs. The Indians should be more concentrated in certain areas and should be encouraged to own their own farms.

Although Bishop Whipple was a self-described "Democrat of the conservative school," he did not confine his efforts to Democratic Presidents. Several months before the Sioux outbreak in Minnesota, Whipple wrote President Lincoln about the problems of United States Indian policy. On March 6, 1862, the Bishop wrote to "ask only justice for a wronged and neglected race." By this time, Whipple had broadened his criticism, laying the blame on other factors besides demon rum. The sale of Indian lands, he claimed, left the wild man without the hunting grounds necessary for his economic livelihood and weakened the authority of the chiefs over the tribes. The government's Indian agents got their jobs as political plums rather than as rewards for merit and expertise in dealing with Indians.

Whipple's letter dealt with the broadest assumptions behind Indian policy:

The first question is, can these red men become civilized? I say, unhesitatingly, *yes*. The Indian is almost the only heathen man on earth who is not an idolater. In his wild state, he is braver, more honest, and virtuous than most heathen races. He has warm home affections and strong love of kindred and country.

Whipple claimed that British policies towards the Indians were much more successful than the United States's and revealed "some marked instances of their capability of civilization." There was a sad contrast between Canada, where "you will find there are hundreds of civilized and Christian Indians," and "this side of the line," where "there is only degradation."

Whipple's recommendations were based on the same idea he had suggested in 1860 to President Buchanan. The government should frame its instructions to its agents "so that the Indian shall be the ward of the Government. They cannot live without law. We have broken up, in part, their tribal relations, and they must have something in their place." Administrations had changed since Whipple's letter to Buchanan, and the Indian agency appointments had changed too. He was more impressed than before that the office of Indian agent should not "become one of mere political favoritism." He insisted again that agricultural pursuits should be encouraged: "the Government ought to aid him in building a house, in opening his farm, in providing utensils and implements of labor." In particular, "his home should be conveyed to him by a patent, and be inalienable." Schools should be ample enough "to receive all children who desire to attend." "As it is," the Bishop complained, "with six thousand dollars appropriated for the Lower Sioux for some seven years past, I doubt whether there is a child at the lower agency who can read who has not been taught by our missionary." Though he did say the government employees should be "temperate" men, conspicuously absent from Whipple's letter was the previous emphasis on alcohol as the root of the problem. Gone completely was his proposal that intemperate chiefs be dismissed by the government. He had become concerned with what *drove* the Indians to drink more than with the mere availability of alcohol.

(To Be Continued)



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LINCOLN AND THE INDIANS (Cont.)

The effect of Whipple's letter on Abraham Lincoln is unknown, but Lincoln did at least acknowledge the letter. Writing on March 27, 1862, the President stated that he had "commended the matter of which it treats to the special attention of the Secretary of the Interior." This letter may have had a significant effect on subsequent events because of its timeliness. Pleas to show mercy to the convicted Indians eight or nine months later may have seemed less to be instances of special pleading and more to be admonitions to a forewarned government. In August, Whipple's letter of March 6 could be seen as a prophecy of trouble and one that laid the blame not on the wanton passions of the red man but upon the inept policies of the white.

Whipple had good connections in Washington because General Henry W. Halleck was his cousin. Through Halleck he gained a personal audience with President Lincoln in the Autumn of 1862 after the Sioux uprising

occurred. What is known of the meeting comes entirely from Whipple's autobiography:

General Halleck went with me to the President, to whom I gave an account of the outbreak, its causes, and the suffering and evil which followed in its wake. Mr. Lincoln had known something of Indian warfare in the Black Hawk War. He was deeply moved. He was a man of profound sympathy, but he usually relieved the strain upon his feelings by telling a story. When I had finished he said:—

"Bishop, a man thought that monkeys could pick cotton better than negroes could because they were quicker and their fingers smaller. He turned a lot of them into his cotton field, but he found that it took two overseers to watch one monkey. It needs more than one honest man to watch one Indian Agent."

Whipple's knowledge of Lincoln's more profound reaction was second or third hand:



From the Lincoln National Life Foundation

The photograph shows John G. Nicolay (standing) in Minnesota on August 24, 1862. The Minnesota Historical Society has tentatively identified the man seated as Indian commissioner William P. Dole. Both men gave Lincoln information about the Sioux uprising.

A short time after this, President Lincoln, meeting a friend from Illinois, asked him if their old friend, Luther Dearborn, had not moved to Minnesota. Receiving an affirmative answer, he said: "When you see Lute, ask him if he knows Bishop Whipple. He came out here the other day and talked with me about the rascality of this Indian business until I felt it down to my boots. If we get through this war, and I live, *this Indian system shall be reformed!*"

Anyone with any acquaintance with Lincoln literature knows to be suspicious of anecdotes which come second hand, especially if one of the parties involved remains nameless in the anecdote. It should be noted that Whipple reported a much more non-committal response from the President's personal interview. Nevertheless, as will be argued later, there is some evidence that Whipple's efforts may have had some effect on President Lincoln.

As Whipple suggested when he said that Lincoln had had some experience himself with Indian warfare, the personal factors in Lincoln's decision should not be ignored. There was little in Lincoln's personal background to lead one to believe that his opinions of Indians would have differed from John Nicolay's. If Nicolay had lived too close to Illinois's frontier days to have any "sentimental illusions" about Indians, Lincoln, who was older than Nicolay, had lived even closer to Illinois's frontier era. In fact, Lincoln had enlisted in the Illinois militia in 1832 to fight in the Black Hawk War. Lincoln had marched, fought off mosquitoes, had his horse stolen, and in general endured the hardships of a military campaign (as both a captain and a private), though he never saw an Indian or fired a shot. Still, his response when Indian troubles had brewed had been to join up and fight.

However innocuous Lincoln's personal experiences with Indian warfare had been (and later he would make fun of them in Congress), there was a reason why he might have harbored quite a grudge against Indians. Lincoln knew very little about his personal family background and does not seem to have cared about it a great deal, but one thing he did know and mentioned repeatedly: his grandfather on the Lincoln side had been killed by Indians in 1784. Lincoln blamed this for the shortcomings he found in his father Thomas. Thus in an autobiographical sketch he wrote in 1860, Lincoln said: "Thomas, the youngest son, and father of the present subject, by the early death of his father, and very narrow circumstances of his mother, even in childhood was a wandering laboring boy, and grew up literally without education. He never did more in the way of writing than to bunglingly sign his own name." In a way, Lincoln blamed the Indians for making an orphan of

his father and therefore depriving him of a proper education and upbringing. Moreover, Lincoln knew that the Indians were capable of murder, for his grandfather had not died in battle. As Abraham Lincoln himself explained, "he was killed by Indians, not in battle, but by stealth, when he was laboring to open a farm in the forest."

Yet the decision Lincoln made reflected little of the advice he received and none of his personal background. Lincoln announced his decision in the case of the condemned Sioux Indians to Congress this way:

Anxious to not act with so much clemency as to encourage another outbreak on the one hand, nor with so much severity as to be real cruelty on the other, I caused a careful examination of the records of trials to be made, in view of first ordering the execution of such as had been proved guilty of violating females. Contrary to my expectations, only two of this class was found. I then directed a further examination, and a classification of all who were proven to have participated in *massacres*, as distinguished from participation in *battles*. This class numbered forty and included the two convicted of female violation.

As a result of Lincoln's decision, only thirty-eight Indians were hanged; the rest were kept prisoner a while and some were eventually pardoned.

Lincoln had delegated the sifting and winnowing task to George C. Whiting and Francis H. Ruggles. Although Lincoln's message had claimed to distinguish essentially between Indians guilty of rape and murder and Indians who had engaged in military battles, the final decision apparently retained something of the original desideratum Lincoln used when replying to Pope's telegram. Some of the thirty-eight condemned Indians were more ringleaders than murderers. In the list he presented to Congress, for example, appeared this particular charge against Rda-in-yan-kna: "Took a prominent part in all the battles, including the attack on New Ulm, leading and urging the Indians forward, and opposing the giving up of the captives when it was proposed by others." Still another, Hay-pee-don, may have been sentenced to death for mutilating a corpse and firing "many shots at the fort."

Edmund S. Morgan points out in a recent American history textbook, *The National Experience*, that Indian victories in American history are generally known as massacres. When Lincoln distinguished between Indian massacres and Indian battles, he made a distinction that Americans did not often make at that time, and, as Mr. Morgan reminds us, that Americans still have trouble making. Moreover, Lincoln made the distinction in de-



From the Lincoln National Life Foundation

Another photograph taken in Minnesota during Nicolay's visit there in 1862 shows the President's secretary taking some shooting practice. To judge from this picture and the weapons Nicolay carried in the picture on the first page, one would have to say Nicolay apparently felt he was supposed to look the part of a rugged frontiersman. Whether he also felt compelled to adopt the frontiersmen's attitudes toward Indians is an interesting question. However, Nicolay's account of "The Sioux War," which appeared in *The Continental Monthly* in February of 1863, was more temperate in its recommendations for future Indian policy than General Pope's advice and clearly discounted the idea that the war had been planned in advance by the Indians.

fiance of most of the information from the field (which had informed him only of murders, rapes, and outrages) and most of the advice from witnesses, influential politicians, and even a close personal advisor.

Two factors probably influenced Lincoln. Perhaps the fact that the Indian uprising occurred during the Civil War served to clarify the legal issues involved. Certainly Lincoln was thinking about the characteristics and consequences of a legal state of war. He treated the Civil War as both a war and a rebellion. Had Lincoln treated it strictly as a rebellion, he would have hanged all Confederate prisoners and he could not have declared a naval blockade recognizable in international law. Had Lincoln treated it strictly as a war, it would have meant that the Confederacy was a legal belligerent government or perhaps a nation, a position that would have utterly undermined the administration's ideological basis for the war. Moreover, Congress never declared war. The position of the Lincoln administration was not exactly consistent, but it was one that permitted enough use of the war power to win the war and free the slaves without at the same time unleashing incredible atrocities.

The Sioux outbreak was a similarly complex legal situation. On the one hand, it resembled a war between independent nations. In 1862, Indians were not United States citizens. They were dealt with by treaties just as any sovereign foreign nation was dealt with. Thus Indians who fought in pitched battles with white soldiers were perhaps entitled to the status of prisoners of war rather than traitors or murderers. On the other hand, Congress did not declare war, and Indian tribes were not sovereign states in the same sense that France and England were because they were forbidden from entering into treaties with other foreign nations besides the United States. John Marshall had said in a Supreme Court decision in 1831 that the Cherokee Nation, although it was a "State," was not a "foreign State" but a "domestic dependent nation." In a way, Lincoln treated the Sioux in a constitutionally inconsistent way, much as he treated the Confederate States in a constitutionally inconsistent way, in order to gain deterrence of future Sioux outbreaks without at the same time causing atrocities.

Charles E. Flandrau, although he disagreed with the wisdom of Lincoln's actions, thought (many years after the event) that the pressures of Civil War politics did have a great deal to do with Lincoln's decision.

I have my own views also of the reasons for the action of the general Government in eliminating from the list of the condemned all but thirty-nine [one of these was later reprieved, so that thirty-eight were hanged]. It was not because these thirty-nine were more guilty than the rest, but because we were engaged in a great civil war, and the eyes of the world were upon us. Had these three hundred men been executed, the charge would undoubtedly have been made by the South that the North was murdering prisoners of war, and the authorities at Washington knew full well that the other nations of the earth were not capable of making the proper discrimination. . . .

Flandrau also mentioned the notion that was prevalent in Minnesota that Lincoln's mind had been poisoned by a lot of sickly sentimentalists from the East. Flandrau believed Lincoln got this kind of advice, but he did not say that Lincoln was heeding it in his decision in December of 1862. As Flandrau put it, "While this court martial was in session, the news of its proceedings reached the Eastern cities, and a great outcry was raised that Minnesota was contemplating a dreadful massacre of Indians. Many influential bodies of well-intentioned but ill-informed people besieged President Lincoln to put a stop to the proposed executions." A much more capable Minnesota historian than Flandrau, writing over thirty years later than Flandrau wrote, apparently put some stock in these same provincial fears, writing with a sneer: "No sooner was it known that President Lincoln had taken the disposition of the condemned Indians into his own hands than he was inundated with 'appeals': appeals for mercy, on the one hand, from friends of the Indian who never had seen one, from people opposed to the death penalty, and from those who regarded the convicts as prisoners of war." In fact, the existence of these appeals remains

largely unverified, and Abraham Lincoln did not submit them to the Senate, when it asked for information about the case, though he submitted, for example, the quite unsentimental appeal from the citizens of St. Paul.

One exception, of course, would be the advice that Lincoln received from Bishop Whipple, whom the people of Minnesota regarded as an "enthusiastic tenderfoot" in Indian matters. The principal evidence for Whipple's influence is second and third hand, but there are some indications from sources other than the Bishop's own autobiography that Lincoln may have been influenced from that quarter.

In his Annual Message to Congress of December 1, 1862, Lincoln had occasion to mention the Indian troubles in Minnesota. He admitted that "How this outbreak was induced is not definitely known," and he informed Congress that the "people of that State manifest much anxiety for the removal of the tribes beyond the limits of the state." Yet, in conclusion he added, "I submit for your especial consideration whether our Indian system shall not be remodelled. Many wise and good men have impressed me with the belief that this can be profitably done." Of course, his message was silent on the type of reform he proposed, but the Indian war did suggest reform in the Indian system to him. A year later, Lincoln's Annual Message carried another appeal for reform, this time with a clue to the nature of reform he desired:

Sound policy and our imperative duty to these wards of the government demand our anxious and constant attention to their material well-being, to the progress in the arts of civilization, and, above all, to that moral training which, under the blessing of Divine Providence, will confer upon them the elevated and sanctifying influences, the hopes and consolation of the Christian faith.

I suggested in my last annual message the propriety of remodelling our Indian system. Subsequent events have satisfied me of its necessity. The details set forth in the report of the Secretary evince the urgent need for immediate legislative action.

The key lies in Lincoln's use of the term "wards" to describe the Indians' status *vis-a-vis* the United States government. It was basically a reformer's word. Moreover, it was a word which described perfectly the relationship to the Indians which Bishop Whipple desired the government to assume. He argued for a more paternalistic government, a government which would not treat the Indians as "equals," a government which would furnish them with supplies in kind but could not trust them to spend money on their own, and a government that would treat them kindly and fairly. In short, he wanted Indians to become wards of the government. Whipple's letter to Buchanan used the very word, suggesting, "First, whether, in future, treaties cannot be made so that the Government shall occupy a paternal character, treating the Indians as their wards."

When Lincoln addressed a group of Indian chiefs directly in Washington in March of 1863, he avoided saying that the Indians should adopt the white men's way of life, but he did tell them "what has made the difference in our way of living" so that the whites were "numerous and prosperous." It was agriculture. When pressed for advice, he said, "I can only say that I can see no way in which your race is to become as numerous and prosperous as the white race except by living as they do, by the cultivation of the earth." Whipple's recommendation to Lincoln had urged that the Indians be granted individual lots of land held as private property and that they be supplied the tools and training to become successful farmers.

Indian reformers later in the century would urge many of the same things. G. P. Manypenny's landmark book about Indian reform was, significantly, entitled *Our Indian Wards* (1879). Henry Whipple went on to write a preface to Helen Hunt Jackson's famous treatment of the history of the United States' dealings with Indians, *A Century of Dishonor* (1881). Whether Lincoln would have joined Helen Hunt Jackson's crusade for the Indian had he lived, can only be a matter of speculation.

One thing, however, seems clear. Lincoln did earn a

reputation for being "soft" on Indians. Charles Flandrau said so in 1891:

An Indian never forgets what he regards an injury, and never forgives an enemy. It is my opinion that all the troubles that have transpired since the liberation of these Indians, with the tribes inhabiting the Western plains and mountains, have grown out of the counsels of these savages. The only proper course to have pursued with them, when it was decided not to hang them, was to have exiled them to some remote post,—say, the Dry Tortugas,—where communication with their people would have been impossible. . . .

Flandrau blamed Lincoln's clemency for all the Sioux troubles that ensued further west after the Civil War.

Indeed, Lincoln gained his reputation at least as early as 1864. The memoirs of an Indian fighter named Eugene F. Ware mention this conversation about some Indian troubles in the West in 1864:

During the day Lieutenant Rankin came and rode with me, and we talked over the Indian council. Rankin said the General [named Mitchell] was angry and mortified over it; that if it had been successful it would have been a great achievement and much to his reputation and credit; that it was not Mitchell's idea, but that a lot of preachers had got at President Lincoln and insisted that the preachers should have the control of the Indian situation, and that the various sects should divide the control among themselves—that is to say, the Methodists should have so much jurisdiction, the Catholics so much, the Baptists so much, and so on, and that they were worrying Lincoln a good deal, and that they wanted him to take immediate steps to have an universal Indian peace between all the Indians. Lincoln yielded to much of it and had sent for Mitchell and told him to take up the matter and see what he could do.

Friends of the Indian and Indian fighters alike seem to have agreed that on the Indian question the preachers "got at President Lincoln."

Lincoln's opinions on Indians reached almost mythic proportions by 1932, when The American Missionary Association published a pamphlet by one George W. Hinman, entitled "Lincoln Sunday, February 14, 1932: Lin-

coln and the Indians." The pamphlet was a script for a responsive reading for a worship service. The American Missionary Association ran schools and churches for Negroes and Indians, and the Superintendent was to ask his pupils, "When did the Dakota [Sioux] Indians in large numbers turn from their pagan religion to Christianity?" The pupils were to reply, "Only after the Minnesota Massacre in 1862, when four hundred Indians were imprisoned in the Federal Prison at Mankato, Minn., and condemned to death for their part in the attack on white settlers." The service continued:

Supt.—What did President Lincoln do for the Dakota Indian prisoners?

Pupils—In the dark years of 1862, the second year of the Civil War, when the future of the Union was very uncertain and Lincoln was pondering the question of the emancipation of the slaves as a war measure, he took his valuable time to study the reports of the military trials of the four hundred Dakota Indians accused of sharing in the Minnesota Massacre.

Supt.—And what was his decision?

Pupils—After going over all the evidence he decided that only thirty-eight Indians, positively known to have engaged in actual massacres, should be hung. . . .

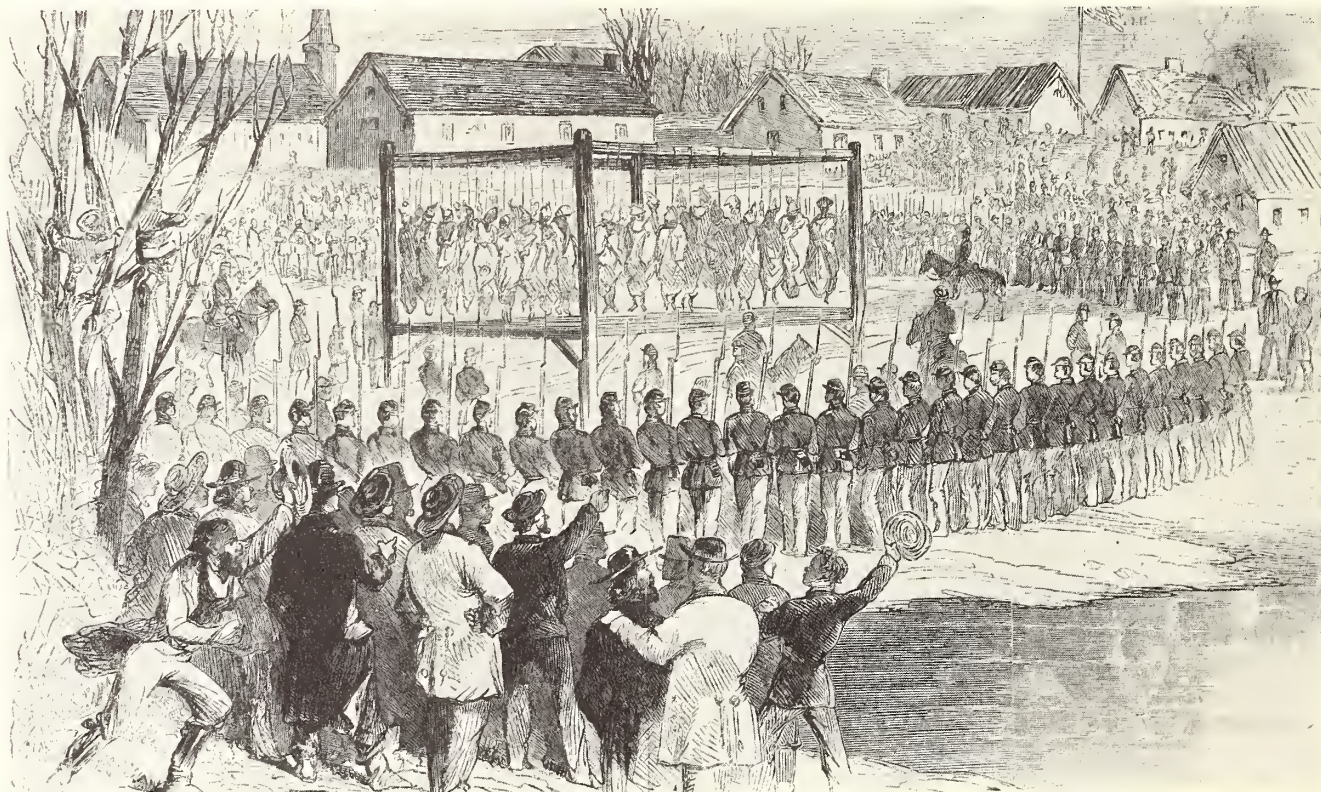
Supt.—What did Lincoln say about the Indians in a message to Congress?

Pupils—He advocated a revision of the whole government Indian service. He resisted the appeals for drastic action against the Indians, objecting to a "severity which would be real cruelty."

Supt.—What was one of Lincoln's famous statements, which he applied to Indians in the same spirit as to those of his own race?

Pupils—"With malice toward none and charity for all."

The missionaries erred in regard to the number of Indians condemned and saved, but they, and perhaps some of their pupils as well, did not forget what many historians have, Lincoln's actions towards the Minnesota Sioux Indians in 1862.



From the Lincoln National Life Foundation

This picture of the hanging in Mankato appeared in *Harper's Weekly* on January 17, 1863. The large number of soldiers were present to restrain the crowds. Note that the observers wave their hats as though celebrating.

